

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

INDEMNITY INSURANCE COMPANY )  
OF NORTH AMERICA, )  
                                )  
                                Plaintiff, )  
                                )  
                                )  
                               v. )                            1:03CV949  
                                )  
                                )  
AMERICAN EUROCOPTER LLC, )  
AMERICAN EUROCOPTER       )  
CORPORATION and EUROCOPTER, S.A.S., )  
                                )  
                                )  
                               Defendants. )

JUDGMENT

BEATY, District Judge.

This action came before the Court for a trial by jury during a session of court beginning July 11, 2005. At the close of the evidence, this Court entered a directed verdict as to Defendant Eurocopter, S.A.S. because Plaintiff had failed to present sufficient evidence in support of any of its claims against Eurocopter, S.A.S. The remaining claims as to Defendant American Eurocopter LLC/American Eurocopter Corporation (“Defendant”) were submitted to the jury for its verdict. On July 21, 2005, a jury verdict was returned in Defendant’s favor. The jury answered as follows:

I.       BREACH OF CONTRACT

1.       Did the Defendant expressly warrant that the gearbox would conform to a promise or representation of fact?

ANSWER:   Yes

2.       Did the Defendant breach the express warranty?

ANSWER:   No

....

II. NEGLIGENCE

7. Did the Defendant make a negligent misrepresentation that proximately caused financial damage to the Plaintiff?

ANSWER: No

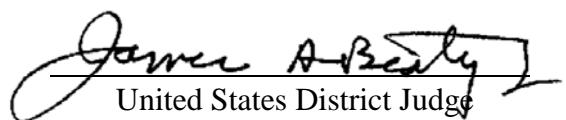
- 8a. Was the Defendant negligent in the overhauling, repairing, maintaining, manufacturing, assembly, testing, or certification of the gearbox?

ANSWER: No

Because the jury answered these issues as it did, the jury did not reach the additional issues submitted to it regarding defenses and remedies. A complete copy of the jury's verdict form is included as a copy of the record in this case.

Consistent with the Court's directed verdict determination as announced on July 20, 2005, IT IS ORDERED, ADJUDGED AND DECREED that a JUDGMENT be entered in favor of Defendant Eurocopter, S.A.S. as to all claims brought against it. In addition, consistent with the jury's verdict returned on July 21, 2005, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a JUDGMENT be entered in favor of Defendant American Eurocopter LLC/American Eurocopter Corporation as to Plaintiff's claims for negligence, negligent misrepresentation, and breach of express warranties. This case is hereby DISMISSED WITH PREJUDICE as to all Defendants.

This, the 22nd day of July, 2005.



James A. Beatty, Jr.  
United States District Judge